

Court No. - 71

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 13262 of 2023

Applicant :- Khushabu And 3 Others

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Surya Bhan Singh

Counsel for Opposite Party :- G.A.

Hon'ble Shekhar Kumar Yadav,J.

1. Heard learned counsel for the applicants and learned Additional Government Advocate for the State.

2. This anticipatory bail application (under section 438 Cr.P.C.) has been moved seeking anticipatory bail in Case Crime No.0048 of 2022, under Sections 147, 323, 504, 506, 308 IPC, Police Station Kotwali Tirwa, District Kannauj.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the present case, in fact, no such incident has taken place. The applicants have never committed any offence as alleged in the impugned FIR. The impugned FIR has been lodged as a counterblast to the FIR lodged by co-accused Smt. Ram Murti against the informant side. He further submits that during investigation, Section 308 IPC was added. The applicants are having no criminal history as has been mentioned in paragraph 25 of the affidavit.

4. During arguments, learned counsel for the applicants has submitted that since the offences are punishable below seven years, a direction may be issued to the court below to decide the bail application of the applicants in view of the judgment in the case ***Satender Kumar Antil vs. Central Bureau of Investigation and another, 2021 SCC Online SC 922.***

5. Considering the facts and circumstances of the case, the present anticipatory bail application is disposed of with the direction that in case the applicants appear before the court below and file bail application, the same shall be heard and disposed of, expeditiously, in view of the settled law laid by this Court in the case of ***Satender Kumar Antil (Supra).***

6. The present anticipatory bail application stands **disposed of**.

Order Date :- 8.12.2023/Ajeet